

### **REMARKS**

Applicants have reviewed the Final Office Action mailed August 27, 2010. Claims 1-6 and 15-20 remain pending in this application after the cancellation of claims 7-14 without prejudice. Applicants request reconsideration of the above-identified application in view of the following remarks.

Claims 1-6 and 15-20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,786,519 to Fujita et al. (hereinafter “Fujita”) in view of EP 817474 to Fegesch (hereinafter “Fegesch”) and in further view of EP 579354 to Teece (hereinafter “Teece”). Applicants respectfully traverse this rejection.

Applicants assert that the present rejection lacks merit improper because the primary reference Fujita teaches away from the present principles. As such, Applicants respectfully direct the Examiner’s attention to MPEP § 2141.02(VI) which requires that “[a] prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention.” Moreover, the Federal Circuit has held that “[a] reference may be said to teach away when a person of ordinary skill, upon reading the reference, would be discouraged from following the path set out in the reference, or would be led in a direction divergent from the path that was taken by the applicant” (*In re Fulton*, 391 F.3d 1195 (Fed. Cir. 2004)). Accordingly, where cited art teaches away from a claimed feature, or leads one of ordinary skill in a different direction than that taken by the Applicants, the examiner cannot rely on such art to support an obviousness rejection.

The present specification explains that “[t]here are many other circumstances where the ‘feel’ of a physical control is preferred to use of a GUI”. For example, page 3, lines 4-25 of the present specification explains:

In practice, the change from one program segment to the next will typically require simultaneous or closely coordinated changes in many of the controlled devices. Advantageously, the system of Holtz et al provides one or more Graphical User Interfaces (GUIs) for controlling one or more devices, obviating the need to provide large and complex control panels that are normally used to control devices such as video switchers, audio mixers, and digital effects devices. However, this approach also incurs limitations. GUIs do not always constitute the preferred user interface for adjusting critical controls. Many operations, particularly on video equipment, require that the operator view the result of control adjustment on a video screen, while adjusting the control, but operation of the GUI

frequently requires that the operator look at the GUI rather than the video image.

Within the Holtz et al system, all dynamic transitions, such as video wipes, audio fades, etc., require pre-programming under the control of the program timer. However, to achieve a high quality television production, sometimes, the operator will need to change the speed of such a transition, or slightly offset the video and audio transitions. Such a refinement can occur only if the operator has access to the physical controls of the various pieces of production equipment during production. However, as discussed above, the physical control panels normally supplied with such equipments are large and complex, and it is not generally practical for a single person to be responsible for operation of an array of such control panels. The drawbacks associated with present day production equipment, as discussed above, typically preclude a single operator from handling all of the controls of an array of control panels needed to effect the desired offset.

As indicated in the above passages, the present invention recognizes that providing a production system solely controlled by a GUI is not preferable in all circumstances. Rather, in some circumstances (e.g., when dealing with video equipment), it is preferable to implement "physical" controls to be used in conjunction with pre-programmed controls. Accordingly, independent claims 1 and 17 include the recitation of "physically actuating at least one actuator of the at least one production device"

On the other hand, Fujita not only fails to teach or suggest a production system which involves physical controls, but in fact teaches away from the incorporation of physical controls into the system described therein. To that end, Fujita explains:

Operator consoles provided with graphical user interface-like input means have the advantages that the display is easy to understand, the operator control panels can be changed dynamically, there are no limits in physical dimensions, and the cost can be reduced by mass production. On the other hand, there are many disadvantages compared with the physical operator consoles using physical dials and other switches such as a greater burden on the eye, a worse hands on feeling in operation, difficulty of inputting fine operations, unsuitability for quick operation, and slow response time.

(Fujita: column 5, lines 4-16)

As evidenced by the passage above, Fujita teaches away from the incorporation of physical controls into the video signal processing apparatus described therein. As a result, one of ordinary skill would not look to the teachings of Fujita in order to arrive at the invention of the present application. Rather, one of ordinary skill in the art would follow a different path than that taken by the Applicants. Accordingly, applicants respectfully submitted that the present rejection lack propriety for at least this reason.

In addition to the reasons provided above, Applicants further assert that the present rejection lacks merit because the cited references, whether taken singly or in combination, fail to teach or suggest “*establishing a plurality of states of the at least one production device, each state corresponding to at least one operation executable by the device*” as recited in claims 1 and 17.

Nothing in any of the cited references teaches or suggests a production scheme which establishes a plurality of states for production devices such that each state corresponds to operations executable by the device. Although Fujita discusses assignment of “freely configurable operator control panels” to specific video signal processing units, Fujita remains completely silent with respect to teaching or suggesting anything remotely related to “establishing a plurality of states”. In fact, the Examiner appears to acknowledge the absence of this feature on page 5 of the above-identified final Office Action.

The other cited references fail to cure the deficiencies of Fujita with respect to the feature of establishing a plurality of states for production devices such that each state corresponds to operations executable by the device claims 1 and 17. Fegeshch describes a control device for a production unit of a television studio or for an outside television broadcast vehicle (Fegeshch: Title; Abstract). The Examiner has only cited Fegeshch for the purpose of disclosing circuitry that could implement the control panels of Fujita. However, assuming, *arguendo*, that the Examiner has accurately interpreted the Fegeshch reference, this reference still fails to cure the deficiencies of Fujita with respect to the above elements in claims 1 and 17.

With respect to Teece, the Examiner relies on this reference as disclosing the elements in the present claims related to “establishing a plurality of states”. More specifically, the Examiner cites several passages in Teece (i.e., Column 3, lines 2-9 and 25-27; Column 4, lines 22-25; and Column 6, lines 18-50) to argue that the

reference discloses “software/memory objects indicative of ‘states’ of the devices being controlled” (see page 6 of the final Office Action dated August 27, 2010).

The cited passages in Teece merely describe a display means which can display “a representation of the status of an operating parameter of the controllable equipment” (Teece: Column 3, lines 2-5). The Examiner contends that the display means described in Teece indicates the “states” of controlled devices. Applicants respectfully disagree and assert that the Examiner has incorrectly interpreted the teachings of Teece.

The mere fact that Teece provides a display which can indicate the state of a device does not constitute the equivalent to, or in any way suggest the feature of “establishing a plurality of states of the at least one production device, each state corresponding to at least one operation executable by the device” as recited in the present claims. Therefore, like the other cited references, Teece also fails to teach or suggest the above elements recite in claims 1 and 17.

Accordingly, the combined teachings of the cited references fail to teach or suggest all of the elements set forth in claims 1 and 17. Therefore, claims 1 and 17 patentably distinguish over the cited art.

Moreover, “[i]f an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious” (MPEP §2143.03, citing *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)). All remaining claims depend directly or indirectly from either claim 1 or 17. Accordingly, all of the claims dependent on claims 1 and 17 patentably distinguish over the cited art for at least the reasons set forth above. Thus, applicants request reconsideration of this rejection.

## **Conclusion**

In view of the foregoing, applicants solicit entry of this amendment and allowance of the claims. If the Examiner cannot take such action, the Examiner should contact the applicant’s attorney at (609) 734-6820 to arrange a mutually convenient date and time for a telephonic interview.

Applicants believe that no fees are due with regard to this Amendment. Please charge any fee or credit any overpayment to Deposit Account No. **07-0832**.

Respectfully submitted,

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